Recall App. No. 1429 of 2006
IN
Criminal Transfer App. No. 24 of 2002
Old No.19 of 2000

Hon. Prafulla C. Pant, J.

This is applicant (No. 1429 of 2006), praying recall of order dated 08.06.2004, passed in criminal transfer application No. 24 of 2002.

Heard.

The petition was dismissed on 08.06.2004 on the ground that it has become infructuous.

Learned counsel for the petitioner states that the petition has not been rendered infructuous and the order should be recalled.

By moving the petition under Section 407 of Code of Criminal Procedure, the petitioner sought transfer of his case from the court of judicial Magistrate to the District of plain area in the year 2000, before creation of State of Uttaranchal. By the interim order in said case, the criminal proceedings, pending against the petitioner in respect of alleged offence punishable under Section 409 I.P.C. were got held up in the year 2000. Now, six years have gone.

The Court, does not feel it just and proper to recall the order dated 08.06.2004.

Therefore, the recall application 1429 of 2006 is dismissed.

(P. C. Pant, J.)

Dt.04.09.2006
S